

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA**

<b>IN THE MATTER OF THE COMPLAINT FILED )</b>	<b>ORDER CANCELLING</b>
<b>BY LEN SCHERR ON BEHALF OF SAMMY'S )</b>	<b>HEARING</b>
<b>RESTAURANT, ABERDEEN, SOUTH DAKOTA, )</b>	
<b>A G A I N S T M C L E O D U S A )</b>	<b>CT02-037</b>
<b>TELECOMMUNICATIONS SERVICES, INC. )</b>	
<b>REGARDING A CONTRACT DISPUTE )</b>	

On September 10, 2002, the Public Utilities Commission (Commission) received a complaint filed by Len Scherr on behalf of Sammy's Restaurant, Aberdeen, South Dakota (Complainant), against McLeodUSA Telecommunications Services, Inc.. (McLeod) regarding a contract dispute.

On September 10, 2002, the complaint was faxed to McLeod. Pursuant to ARSD 20:10:01:09, McLeod was notified that it must satisfy the complaint or file an answer in writing with the Commission by September 30, 2002. On November 1, 2002, the Commission received an answer and counterclaim from McLeod.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-13, including 49-13-1 through 49-13-14, inclusive, and SDCL Chapter 49-31, including 49-31-3, 49-31-7, 49-31-7.1, 49-31-7.2, 49-31-7.3, 49-31-7.4, 49-31-10, 49-31-11, 49-31-38, 49-31-38.1, 49-31-38.2, 49-31-38.3, 49-31-89 through 49-31-97, inclusive, and ARSD Chapters 20:10:01 and 20:10:34.

By order dated February 21, 2003, a hearing was scheduled for March 18, 2003, beginning at 1:30 P.M., in Room 412 of the State Capitol Building, 500 E. Capitol, Pierre, South Dakota. Commission Staff has now been informed that settlement had been reached in this matter, so therefore the hearing is cancelled. It is therefore

ORDERED, that the hearing scheduled for March 18, 2003, is cancelled.

Dated at Pierre, South Dakota, this 17th day of March, 2003.

<b>CERTIFICATE OF SERVICE</b>
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.
By: _____
Date: _____
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

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ROBERT K. SAHR, Chairman

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GARY HANSON, Commissioner

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JAMES A. BURG, Commissioner